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August 12, 1996

HAND DELIVERY

**Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

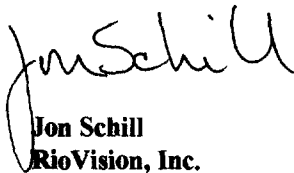
Re: CC Docket 92-297

Dear Mr. Caton:

Enclosed for filing in the above-referenced proceeding are an original and four copies of comments on behalf of RioVision, Inc., a Texas Corporation.

Please direct any questions regarding this matter to the undersigned.

Sincerely,


**Jon Schill
RioVision, Inc.**

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Before the
Federal Communications Commission
Washington, D.C,

In the Matter of

Rulemaking to Amend Parts 1, 2, 21 and 25)	
of the Commission's Rules to Redesignate the)	
27.5 - 29.5 GHz Frequency Band, to Reallocate)	CC Docket 92-297
the 29.5 - 30 GHz Frequency Band. to)	
Establish Rules and Policies for Local Multipoint)	
Distribution Service and for Fixed Satellite)	
Services)	

Comments of
RioVision, Incorporated

Before the
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Establish Rules and Policies for Local Multipoint)
Distribution Service and for Fixed Satellite)
Services)

Comments of RioVision, Inc., a Texas Corporation

RioVision, Inc., hereby files comments in response to the First Report and Order and Fourth Notice of Proposed Rulemaking ("Fourth NPRM") (FCC 96-311) in the above referenced proceeding adopted by the Commission on July 17, 1996. In the Fourth NPRM, the Commission proposes to designate, on a primary protected basis, the 31.0-31.3 GHz (31 GHz) band to LMDS for both hub-to-subscriber and subscriber-to-hub transmissions. The Commission states that such designation is an effort to accommodate a variety of LMDS system designs, services and transmission media in the "adjacent" 28 GHz band.

RioVision applauds the Commission for its now-concerted effort to bring the LMDS matter to closure and for its recognition of LMDS technology as both innovative and important as well as the Commission's commitment to 1996 auctions and the prompt nationwide deployment of LMDS in the 28 GHz band.

As RioVision has consistently maintained in this proceeding - LMDS requires a minimum of one (1) GHz of contiguous spectrum. LMDS must also be inherently and economically interactive in order to be competitive with incumbent cable and telephony monopolies as well as to be able to serve the public interest in the fields of education in general and distance learning in particular..

To the extent that return links are currently prohibited in the 29.1-29.25 GHz band, the economic viability of an interactive LMDS system is questionable at best. The allocation of an additional 300 MHz of spectrum in the 31 GHz band is certainly welcomed, but we have yet to hear from the major LMDS equipment manufacturers as to precisely what additional equipment may be required for two-way transmissions and how much the additional equipment will cost.

RioVision finds it heartening that the Commission, as reflected in both the Fourth NPRM and the First Report and Order, is holding open the door for real-world interference testing to demonstrate that LMDS return links do not interfere with MSS receivers. We concur in the analyses submitted by Texas Instruments, Hewlett Packard, Endgate Corporation, Cellularvision and others in which they assert that LMDS subscriber stations in the 29.1-29.25 GHz band would not cause unacceptable interference to Iridium MSS feeder uplink receivers. However, we eagerly anticipate something beyond technical analyses so that the sharing issue can fairly and finally be decided.

We further are heartened by the Commission's agreement that, notwithstanding NASA's initial conclusions, more in-depth sharing studies of fixed services and LMDS and Government spectrum below 27.5 GHz are warranted and may yield positive results.

As to the allocation of 300 MHz of spectrum in the 31 GHz area, RioVision urges the Commission **not** to assign it independently of other LMDS spectrum. Rather, as proposed in the First Report and Order, it should be coupled with the other LMDS spectrum and assigned as a single 1300 MHz block.

It must clearly be understood, however, that - in order for LMDS auctions to take place before the end of 1996 and for LMDS to be promptly deployed - the 31 GHz spectrum must not be allowed to constitute any sort of procedural obstacle.

Given that existing licensees operating in this band are not afforded any rights regarding interference under current FCC rules, these licensees should be given no standing in this process. Accordingly, neither should they be entitled to any recovery for relocation costs - reasonable or otherwise. Nor should the Commission accept any new applications, modifications or renewal applications in the 31 GHz band.

Should the 31 GHz spectrum become a matter of contention and, thereby, a potential obstruction to a prompt resolution of this matter, RioVision urges the Commission to proceed apace with the LMDS issue by removing the 31 GHz spectrum from the instant proceeding and dealing only with spectrum in the 28 GHz band.

With regard to the eligibility of LECs and cable operators to obtain LMDS licenses, RioVision proposes that the Commission adopt rules preventing their participation much as was done in Canada earlier this year. Recognizing that Canada's LMCS systems will be allocated three full GHz of spectrum and that Canadian LECs and cable operators will be eligible for licenses when that country disposes of the remaining two GHz of spectrum, RioVision recommends that the Commission consider LMDS-like services in the 40 GHz band with eligibility open to all.

Relative to LEC and cable operator eligibility, RioVision concurs in those *ex parte* comments filed by WebCel Communications, Inc., and cited by the Commission in the Fourth NPRM, paragraphs 120, 121 and 122.

Such restrictions do not necessarily preclude participation by LECs and/or MSOs in LMDS services should an LMDS licensee determine that disaggregating its license and assigning spectrum to an LEC or cable operator would serve both the public interest and the licensee's commercial purposes.

If the Commission truly seeks diversity in the marketplace to ensure sufficient numbers of facilities-based competitors, it will move to limit eligibility for LECs and MSOs until effective competition exists for both entities or until a five-year sunset provision passes.

RioVision has no specific recommendations on criteria the Commission might use to determine the existence of effective competition except to suggest that we will all doubtless know it when it happens.

It is RioVision's sincere desire that the Commission develop rules for LMDS which reflect the innovative nature of the technology, its tremendous potential and its capacity to provide pivotal services to each community it serves. In that vein, we restate our oft-expressed position that local ownership and operation of LMDS systems should be of paramount importance in the Commission's deliberations on this matter and that the Commission give appropriate recognition to those entrepreneurial companies who understand the technology, who understand their market(s) and who have the ability to put the former to work to the benefit of the latter.

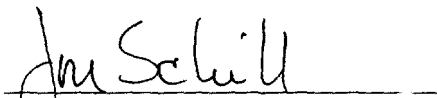
Respectfully submitted,


Jon Schill
RioVision, Inc.

Certification of Service
RioVision, Inc.

I certify that copies of the attached comments have been sent by U.S. First Class mail to the following:

Jackie Chorney
Lauren Belvin
Rudolfo Baca
Jane Mago
Suzanne Toller
David Siddall
Michele Farquhar
Jennifer Warren
Robert James
Susan Magnotti

A handwritten signature in cursive script, reading "Jon Schill", is written over a horizontal line.

Jon Schill
RioVision, Inc.
August 9, 1996